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**FACSIMILE TRANSMITTAL**

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**TO:****Name:** Mail Stop ISSUE FEE**Firm:** U.S. Patent & Trademark Office**Fax No.:** 571-273-2885**Subject:** U.S. Patent Application No. 09/412,082

Gary Karlin Michelson

Filed: October 4, 1999

METHOD FOR INSERTING FRUSTO-CONICAL

INTERBODY SPINAL FUSION IMPLANTS

Attorney Docket No. 101.0052-01000

Customer No. 22882

Confirmation No. 9192

**FROM:****Name:** Thomas H. Martin, Esq.**Phone No.:** 330-877-2277**No. of Pages (including this):** 7**Date:** September 11, 2007**Confirmation Copy to Follow:** No

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Request to Apply Issue Fee with copy of 7/13/07 Decision, Issue Fee Transmittal Form (in duplicate), and Request for Correction of Title with attachment are being facsimile transmitted to the U.S. Patent and Trademark Office on September 11, 2007.

  
Sandra L. Blackmon

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PATENT

Attorney Docket No. 101.0052-01000

Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Confirmation No.: 9192
Gary Karlin Michelson	)	
Serial No.: 09/412,082	)	Group Art Unit: 3772
Filed: October 4, 1999	)	Examiner: Michael Brown
For: METHOD FOR INSERTING	)	
INTERBODY SPINAL FUSION	)	(Issue Fee Paid: May 9, 2007)
IMPLANTS	)	

MS ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST TO APPLY ISSUE FEE**

Submitted herewith is an Issue Fee Transmittal Form for the above-identified application. It is requested that the Issue Fee in the amount of \$1,400.00 (paid on May 9, 2007) be applied to this submission. A copy the Decision dated July 13, 2007 is submitted herewith

If there is any deficiency or additional fee due in connection with the filing of this submission, please charge the fee to our Deposit Account No. 50-3726.

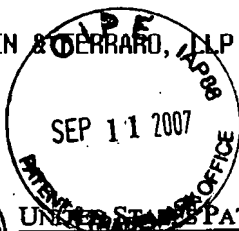
Respectfully submitted,

MARTIN &amp; FERRARO, LLP

Date: September 11, 2007

By:   
Thomas H. Martin  
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United States Patent and Trademark Office  
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OFFICE OF PETITIONS

In re Application of  
Gary Karlin Michelson  
Application No. 09/412,082  
Filed: October 4, 1999  
Attorney Docket No. 1010052-01000

ON PETITION

This is a decision on the petition, filed July 12, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 9, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 3772 will consider the request for continued examination under 37 CFR 1.114.

*Karen Creasy*  
Karen Creasy  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

7-18-07  
DB